IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 75580-M of 2006

DATE OF DECISION : 12.12.2006

Harjeet Singh alias Sonu

.... PETITIONER

Versus

State of Punjab and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Ranjan Lakhanpal & Gurpreet Singh, Advocates,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

* * *

Petitioner Harjeet Singh alias Sonu, apprehending his arrest in a non-bailable offence in case FIR No. 231 dated 22.7.2005 under Sections 380, 419, 467, 468, 471, 474 and 120-B IPC, registered at Police Station Kotwali, Patiala, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

I have heard the arguments of learned counsel for the parties and gone through the contents of the FIR as well as the order dated 13.11.2006, passed by Additional Sessions Judge, Patiala.

During the investigation, it has been found that accused Jagmohan Singh has stolen registered sale deed dated 9.12.1998 from the office of Sub Registrar and then, after removing the photograph of the purchaser and putting the photograph of one Ajay Kumar got executed a general power of attorney in favour of Jaswant Singh, who, according to the prosecution, is car driver of Jaswant Singh. The said Jaswant Singh has further executed the sale deed in favour of Harminder Kaur, who is again wife of Jagmohan Singh. The petitioner is the attesting witness of the said sale deed. Tarlochan Singh father of Harminder Kaur took the loan and Harminder Kaur stood as guarantor and pledged the said sale deed. When the sale deed was pledged by Harminder Kaur as a guarantor, the bank officials approached the complainant Sushil Kumar and only then, it was

found that fraud has been played upon the complainant. Since all the accused are closely related, therefore, as per the investigation, they all were having common intention of cheating. Counsel for the petitioner contends that Tarlochan Singh has been granted anticipatory bail.

As far as Tarlochan Singh is concerned, he paid the entire loan amount and he is not party to the forging of general power of attorney and registration of the sale deed. Since petitioner is attesting witness of the sale deed and keeping in view the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioner.

Dismissed.

December 12, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**